

CARLISLE PLANNING BOARD

MINUTES

SEPTEMBER 9, 1991

Present:

Phyllis W. Hughes, Chairman  
Vivian F. Chaput  
George B. Foote  
Jill Natola  
Scott T. Evans  
Paula M. Trebino  
Elaine H. Olden,  
Planner Assistant

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Meeting called to order at 8:09 p.m.

Bills

The members authorized payment of bills as presented.

Federation Meeting

On motion of Ms. Trebino seconded by Ms. Natola, the members voted unanimously to authorize the Planner Assistant to attend the October 19th conference of the Massachusetts Federation of Planning Boards.

Historical Commission appointment

The appointment of Scott Evans as the Planning Board's representative to the Historical Commission was announced.

Meeting with Selectmen regarding Town Counsel services

Ms. Natola reported on her meeting with the Selectmen to request a waiver from the authorization procedure for Town Counsel services in cases where the cost will be reimbursed to the Town by the applicant. Although the conversation seemed to allow for some flexibility in the process, Ms. Natola's impression was that the Selectmen do not feel comfortable giving the Planning Board much latitude in the matter. After considerable discussion, the members agreed on two activities: Mr. Foote will talk to Selectmen Sauer personally and the Planner Assistant will compile a record of Town Counsel's response time in the past.

Mr. Evans reported that he will attend a meeting of the Selectmen's engineering search committee and contribute the Planning Board's experience to the deliberations.

Ms. Natola also reported the Selectmen's interest in the service provided out of the Planning Board office and their suggestion

CARLISLE PLANNING BOARD MINUTES  
SEPTEMBER 9, 1991  
PAGE 2

that fixed office hours might be appropriate. After discussion of the flexibility and availability in the present mode of service, the members decided to write a letter to the Selectmen explaining their preference for the present mode and its advantages.

Request for extension of approval for Ice Pond Road

The members discussed at length the request for extension of approval of the Ice Pond Road definitive plan. Mr. Foote listed the following points from the discussion: the sketch plan submitted for the dry hydrant does not uniquely identify a constructable structure; the purchase and sale agreement between the buyers and sellers (the Brookses) of the property where the fire pond is has no validity in the discussion, since the parties are not present or represented; and that therefore the conditions for extension which were voted at the June 10th Board meeting have not been met. Ms. Natola added that the easement is a problem because the Brookses are the only ones with privity of contract. Ms. Hughes reported Mr. Ernststoff's comment that for the purchase and sale agreement to be effective regarding the easement, a paragraph concerning survival of that provision would need to be part of the agreement. Ms. Natola added that the only parties able to sue for performance of that provision would be the Brookses. Mr. Foote said that, therefore, the Planning Board has no enforcement power concerning the easement. Ms. Natola asked why the applicant did not get an easement from the new owner and said that the dry hydrant plan submitted is irrelevant without the easement. Ms. Chaput added that without the easement the applicant has no place to build the dry hydrant. Ms. Hughes said that an abutter, Mr. Jim Davis, had reported that the fire pond is totally dry.

Chairman Hughes invited Attorney Nelson, the applicant's representative, to comment and then summarized his comments with the statement that he did not have the legal easement document required by the June 10th Planning Board vote to present to the Board. Mr. Nelson agreed that this summary statement was accurate.

Mr. Nelson estimated that it would take 90 days for his client to comply with the requirements of the June 10th vote. The members felt that that is an unreasonably long time, since 90 days have already elapsed since the vote. On motion by Mr. Evans seconded by Ms. Natola, Mr. Evans, Ms. Natola, and Ms. Trebino voted to extend the approval until October 14, 1991. Ms. Hughes, Mr. Foote, and Ms. Chaput voted in opposition.

Letters to Zoning Enforcement Officer

CARLISLE PLANNING BOARD MINUTES  
SEPTEMBER 9, 1991  
PAGE 3

The members instructed the Planner Assistant to send the following letters to Mr. Koning as Zoning Enforcement Officer: (1) asking him not to approve any changes to the Common Driveway Special Permit issued to George Senkler but to determine whether or not the driveway is built according to the approved plan; and (2) explaining the condition of a state-accepted conservation restriction for the Ice Pond Road project, requesting enforcement of that condition, and suggesting consultation with Town Counsel in the matter.

Cranberry Hill Lane

The members instructed the Planner Assistant to notify Mr. Moschini that Mr. Foote will meet with him on the site of the Cranberry Hill Lane subdivision to point out examples of non-compliance with the approved plan.

Minutes

On motion by Ms. Chaput seconded by Ms. Trebino, the members voted unanimously to approve the minutes of the August 5, 1991, meeting with insignificant corrections.

Resource Material Reports

The members agreed to make brief reports on the resource material kept in the Planning Board office at the November 18 meeting. Lists of the material were distributed with the suggestion that members indicate their interest to the Planner Assistant at the September 23rd meeting.

ANR Plan - Vose Hill Road - Westford

On motion by Ms. Chaput seconded by Ms. Trebino, the members voted to endorse a plan entitled "Definitive Subdivision Plan, Vose Hill Road, Westford, Massachusetts, Prepared for: Group VI Development, 1 Post Office Square, Tyngsboro, Massachusetts 01879" dated July 10, 1991, by VTN Northeast, Inc., Wilmington, Mass. "Approval Under the Subdivision Control Law Not Required."

ANR Plan - Oak Knoll Road

On motion by Mr. Foote seconded by Mr. Evans, Mr. Foote, Mr. Evans, Ms. Hughes, Ms. Natola, and Ms. Trebino voted to endorse a plan entitled "Plan of Land in Carlisle, Mass. (Middlesex County) Prepared for: Longley," dated August 23, 1991, by Stamski and McNary, Inc. "Approval Under the Subdivision Control Law Not Required." Ms. Chaput abstained.

Confirmatory release for Hayes Farm

CARLISLE PLANNING BOARD MINUTES  
SEPTEMBER 9, 1991  
PAGE 4

On motion by Ms. Natola seconded by Ms. Chaput, the members voted unanimously to sign a release for Hayes Farm covenants confirming a release originally executed by the Board on December 17, 1990.

Meeting adjourned at 11:25 p.m.

Respectfully submitted,

Elaine H. Olden  
Planner Assistant